



County of San Diego

Department of Agriculture, Weights and Measures

## Agricultural Water Quality FAQs

**Fee Authority:** In October 2002, the County Board of Supervisors authorized fees to be paid to the Department of Agriculture, Weights and Measures for the specified applications, permits, registrations, inspections and other related services. Section 364.3 of Article XX of the County Administrative Code authorizes fees of:

\$100.00 annually for stormwater registration

\$ 60.00 per hour for stormwater inspection

\$ 90.00 per hour for stormwater reinspections

This fee structure was developed through numerous meetings between the department and representatives of regulated entities

**Inspection Authority:** On February 20, 2002, the County's Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO) became effective. This ordinance provides the County with authority to conduct inspections and require the implementation of minimum water quality Best Management Practices intended to cause a reduction in the discharge of pollutants to local waterways. Section 67.822(a) of this ordinance authorizes inspection of facilities, activities and residences subject to the ordinance at reasonable times and in a reasonable manner to carry out the purposes of the ordinance.

**What facilities or activities qualify for inclusion in this program?** The primary qualifying criteria is a high priority commercial facility in the unincorporated area of the County.

Other factors considered in determining whether one of these types of facilities qualifies includes, but is not limited to:

- proximity to a watercourse and/or designated environmentally sensitive areas;
- topography of the property; scope, scale and intensity of the operation;
- operational characteristics including materials inventory and handling processes,
- vehicles/equipment inventory and maintenance practices,
- number of employees, and
- waste management practices

**Who received the registration notice?** Generally the notice was mailed to businesses that the Department of Agriculture, Weights and Measures has identified through a search of several databases managed by the department. The department also uses licensing and registration databases maintained by the California Department of Food and Agriculture (Nursery Licenses) and the California Department of Pesticide Regulation (Agricultural and Structural Pest Control Businesses).

The department is not aware of existing licensing or registration databases for equestrian facilities. Therefore the department used trade journals, periodicals and the Internet to identify potential qualifying equestrian facilities. Agricultural inspectors also identify qualifying facilities during routine inspections.

**What constitutes a nursery?** Order 2001-01 does not define what constitutes a nursery. Facilities required to obtain a California Department of Food and Agriculture "License to Sell Nursery Stock" range from the flower counter at the neighborhood grocery chain store to large, high volume, production nursery facilities occupying hundreds of acres. The nursery and greenhouse element of the department's stormwater program focuses on production agriculture facilities. The department has excluded the incidental retail sector such as flower counters because these are usually located in strip malls and inspected by other departments within the County. Field-grown cut flower producers have also been

eliminated as this activity is more analogous to field agriculture, which is not within the scope of the Regional Water Quality Control Board's Order 2001-01.

In addition to exempting facilities that are not appropriate for inclusion in the program the department also exempts facilities based upon an assessment of the operational characteristics and the proximity to watercourse or environmentally sensitive area. During the first three years of this program, 15-20% of facilities that would otherwise qualify for inclusion in the program have been designated as exempt.

**How often will my facility be inspected?** The permit states, "Each Copermittee shall inspect high priority sites and sources as needed." It is anticipated that facilities will be inspected (and if necessary reinspected) at least once during the 5-year permit cycle. In addition to routine stormwater inspections AWQ program staff also conduct tri-annual hazardous materials inventory inspections at approximately 320 agricultural facilities. When possible both the AWQ and hazardous materials inventory inspections will be conducted during the same visit.

**What will the inspection include?** The County has adopted a Standards Manual, which is part of the Watershed Protection, Stormwater Management and Discharge Control Ordinance. The standards manual includes the minimum BMPs the county requires operators of high priority commercial facilities to implement to cause a reduction in the discharge of pollutants such as sediment, nutrients (fertilizer), bacteria, and pesticides to our local waterways. Many of the BMPs are relatively simple, low cost, and good business practices such as materials and waste management, employee training and equipment maintenance.

An inspector will contact the property owner or operator to arrange an inspection. At the time of the inspection, the inspector will want to meet with a person who has authority to implement BMPs. Inspections may include all actions necessary to determine whether the BMPs installed and implemented are adequate to comply with the Ordinance, whether those BMPs are being properly maintained, and whether the facility or activity complies with the other requirements of this Ordinance. This may include but may not be limited to sampling, metering, visual inspections, and records review.

**What if my facility is found to be not in compliance?** The inspector will thoroughly explain any items not in compliance. Generally, the property operator will be provided 30 days to bring the non-compliances items into conformance with the requirements of the Ordinance. The time allotted to attain compliance can vary depending upon the scale and complexity of corrective actions required. In many instances, the inspector will suggest informational and financial resources such as the U.C. Cooperative Extension and the USDA Natural Resources Conservation Service, that are available to assist in attaining compliance

**What efforts has the County made to create awareness of the requirements of this program?** For the past four years, the County has been conducting outreach and education to all regulated sectors including land development, industrial, commercial and residential. The County of San Diego, Department of Agriculture, Weights and Measures has partnered with the University of California-Cooperative Extension Service, the Mission Resource Conservation District, the Regional Water Quality Control Board, the USDA Natural Resource Conservation Service and many businesses and educational institutions and community groups to deliver presentations to the agricultural sector. The Department of Agriculture, Weights and Measures has mailed in excess of 10,000 notices and brochures regarding this program, written numerous articles for trade publications, and developed a website that includes resources to assist a property operator in attaining compliance. The website can be accessed at [www.sdcawm.org](http://www.sdcawm.org).

**What can I do if I observe the discharge of pollutants from a site?** Call the Project Clean Water hotline at 888-846-0800 and leave a confidential message. Responding to complaints and referrals is an important component in the County's efforts to protect, restore and enhance regional surface waters. Public participation assists the County in identifying dischargers who in many instances are not aware of the requirements in the County's Watershed Protection Ordinance.

**What if I think my operation should not be included in this program?** Who will make the determination and what will it cost? It is generally easy to determine that a backyard orchid grower with a 200 sq. ft. greenhouse and a clean operation does not constitute a significant risk to regional water quality. Similarly it's relatively easy to determine that a 100-acre nursery with impact sprinklers, fertilizer injectors and a natural watercourse running through the property has the potential to have run off to

receiving waters. However, many other operations have a mix of operational characteristics and factors, such as location and topography that make the determination for inclusion in the AWQ program a more subjective process.

To request a determination on whether or not your facility should be inspected, you can contact the Department of Agriculture, Weights and Measures by phone or email. An inspector will contact you and arrange a time to review your operation. The inspector will make a determination as to whether your facility or activities qualify for inclusion in the program and explain the factors for the determination. There is no charge for making this site visit.

Literature explaining the requirements of the County's Watershed Protection, Stormwater Management and Discharge Control Ordinance is available from the department. Property operators are encouraged to take advantage of the information on AWM website at [www.sdcawm.org](http://www.sdcawm.org). Click on Agricultural Water Quality on the left side of the page to obtain information and documents to assist you in learning more about the program.